

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**ORDER GRANTING TRUSTEE'S MOTION *IN LIMINE* NUMBER 3 TO EXCLUDE  
THE OPINIONS AND TESTIMONY OF JEFFREY M. WEINGARTEN**

Upon consideration of the Notice of Trustee's Motions *In Limine* Numbers 1 through 4, ECF No. 336, the Trustee's Motion *In Limine* and Memorandum of Law Number 3 to Exclude the Opinions and Testimony of Jeffrey M. Weingarten (the "Motion"), ECF No. 334, filed by Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act,

15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”), and the Declaration of Lan Hoang in Support of Trustee’s Motions *In Limine* Numbers 1 through 4, ECF No. 337; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on August 9, 2017 (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having considered any papers submitted in support of and in opposition to the Motion, the arguments of counsel at the Hearing, and the record in this case:

**IT IS HEREBY ORDERED**, that the Motion is GRANTED. The opinions and testimony of Jeffrey M. Weingarten shall be excluded from trial in the above-captioned adversary proceeding.

**IT IS HEREBY FURTHER ORDERED**, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: **January 22<sup>nd</sup>, 2018**  
New York, New York

**/s/ STUART M. BERNSTEIN**  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE